

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERKS OFFICE

NOV 25 2005

P.M. _____
TIME A.M. _____

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ANTHONY FEURTADO,

Plaintiffs,

ORDER
04-CV-3405 (NGG)(LB)

-against-

NEW YORK CITY DETECTIVE GILLESPIE,
NEW YORK CITY DETECTIVE DATO,
UNKNOWN CHIEF OF POLICE NEW YORK
CITY, UNKNOWN COMMANDER OF O.C.I.D.

Defendants.

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BLOOM, United States Magistrate Judge:

By Order dated November 29, 2004, the Honorable Nicholas G. Garaufis directed the Clerk of Court to reopen this case, which is brought by plaintiff *pro se* under 42 U.S.C. § 1983. The Clerk was also ordered to issue a summons and complaint and forward it along with copies of the complaint to the United States Marshals for service.

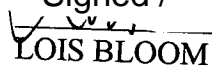
In Valentin v. Dinkins, 121 F.3d 72 (2d. Cir. 1997)(per curiam), the Second Circuit made clear that a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. The United States Marshals Service will not be able to serve the intended defendants without further information regarding their current addresses for service.

One means of dealing with this problem would be to permit plaintiff to conduct discovery against the government, to serve interrogatories and document requests in an effort to ascertain defendants' whereabouts for purposes of service. This process is not only cumbersome, it often does not achieve results. Accordingly, the Court hereby requests the Corporation Counsel of the City of New York to provide the full names and addresses where defendant New York City Detectives

Gillespie and Dato can currently be served.¹ In addition, the Court construes the "Unknown Chief of Police" in plaintiff's complaint to refer to Police Commissioner Raymond W. Kelly, and "Unknown Commander of O.C.I.D." to refer to the highest-ranking officer in the Organized Crime Investigation Division. The Corporation Counsel is also requested to provide the name of the highest-ranking officer in the Organized Crime Investigation Division, and the addresses at which that individual and Police Commissioner Raymond W. Kelly can be served. The Corporation Counsel need not undertake to defend or indemnify any of these individuals at this juncture. This order merely provides a means by which plaintiff may locate and properly serve the defendants as instructed by the Second Circuit in Valentin.

Accordingly, the Corporation Counsel of the City of New York is hereby requested to produce the above information by February 28, 2005. The Clerk of Court is directed to send plaintiff's complaint and the Orders of the Honorable Nicholas G. Garaufis dated September 9, 2004 and November 29, 2004 to the Corporation Counsel with this Order.

SO ORDERED:

Signed /

LOIS BLOOM
United States Magistrate Judge

Dated: January 14, 2005
Brooklyn, New York

¹ Plaintiff identifies these defendants as "detectives Gillespie and Dato of O.C.I.D." and alleges that they made false statements under oath at his criminal trial in case number 3:95-669 in the United States District Court for the District of South Carolina. See Compl. at 1-2.